

ORDINANCE NO. 15-03

AN ORDINANCE EXTENDING FOR A MAXIMUM OF
THREE NINE MONTHS THE FRANCHISE AGREEMENT
MOST RECENTLY GRANTED TO CONCH TOUR TRAINS
INC. PURSUANT TO ORDINANCE 95-4 TO OPERATE
CITY-WIDE SIGHTSEEING / SHUTTLE OPERATION;
PROVIDING TERMS AND CONDITIONS; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, municipalities in the State of Florida are authorized to regulate commercial traffic upon municipal streets. *Pennington v. Quigg*, 114 So. 859 (Fla. 1927); *Jarrell v. Orlando Transit Co.*, 167 So. 664 (Fla. 1936); *City of Coral Gables v. City of Miami*, 190 So. 427 (Fla. 1939); *City of Miami v. South Miami Coach Lines, Inc.*, 59 So. 2d 52 (Fla. 1952); *Pratt v. City of Hollywood*, 78 So. 2d 697 (Fla. 1955).

WHEREAS, the City of Key West and Conch Tour Trains Inc. entered into a franchise agreement for sightseeing / shuttle operations pursuant to Key West City ordinance 95-4.

WHEREAS, that franchise agreement expires in February 2015.

WHEREAS, the Key West City Commission has held multiple public meetings regarding revisions to its Code of Ordinances governing franchise agreements.

WHEREAS, the City Commission passed amendments to the franchise ordinances at first reading on December 15, 2014 and intends on codifying new regulations upon second reading.

WHEREAS, franchise agreements will be subject to the revisions made by the City Commission.

WHEREAS, it is reasonable to extend the current franchise agreement while the City Commission completes revisions and negotiates new or amended franchise agreements.

WHEREAS, Key West City Charter section 7.01(4) requires that the grant of a franchise must be done by ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST FLORIDA*:

Section 1.

That the termination date of franchise agreement granted in section 13 of City Commission ordinance 95-4 is extended until October 10 ~~May 10~~, 2015.

Section 2.

That no additional vehicles be added during the franchise extension.

Section 3.

That the franchisee execute a document acknowledging acceptance of the extension prior to February 10, 2015.

Section 4.

This Ordinance shall go into effect upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and written acceptance by the Franchise operator.

*(Coding: Language added at second reading is underlined; Language deleted at second reading is struck through.)


Read and passed on first reading at a regular meeting held this 28th day of January, 2015.

Read and passed on final reading at a regular meeting held this 3rd day of February, 2015.

Authenticated by the presiding officer and Clerk of the Commission on 4th day of February, 2015.

Filed with the Clerk February 4, 2015.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>


CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK *apx*